

Amendment No. 1 to SB3112

**Ford J
Signature of Sponsor**

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Date _____

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Comm. Amdt. _____

AMEND Senate Bill No. 3112

House Bill No. 3040*

by deleting Sections 2 and 3 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, § 68-11-201(15), is amended by inserting the following subdivisions immediately after subdivision (C):

(D) Skilled nursing care; and physical, occupational, or speech therapy provided through the division of mental retardation services, department of mental health and mental retardation, to individuals in conformity with an individualized plan, and which is developed in compliance with standards of the division, are not "home health services" for purposes of this chapters. This exception to the definition to home health services shall apply only in the following circumstances:

(i) To services provided to persons formerly institutionalized at a state-owned facility who receive care from a licensed health care professional, which licensed health care professional provided care to the person while institutionalized or who receives care from a licensed nurse or occupational physical or speech therapist employed by the division of mental retardation services; or

(ii) The division of mental retardation services makes a determination that there are not adequate resources available through licensed home health agencies. No such determination shall be made unless the division complies with all of the following:

(a) The division shall give notice to all home health agencies licensed in the area in which services are proposed to be provided;

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(b) The notice shall state that the division proposes to provide skilled nursing care, or physical, occupational, or speech therapy to one or more persons residing in the defined geographic area;

(c) The notice shall state the rates of reimbursement and other terms and conditions for providing such services, and that the division will contract directly with nurses or therapists if adequate resources are not available through home health agencies within thirty days of the date of the notice;

(d) After complying with the preceding notice requirements the division may contract directly with nurses or therapists if adequate resources are not available through licensed home health agencies.

The time period for determining availability of adequate resources through home health agencies as described above shall comply with court orders relative to the provision of services to mentally retarded persons.

(E) Home- and community-based services provided to individuals through the department of education or a local education agency and home- and community-based services provided to individuals by a county health department are not "home health services" for purposes of this chapter.

(F) This definition of home health service shall not apply to services provided by community agencies to developmentally disabled individuals residing in the community when such services are provided pursuant to a contract between the community agency and the state agency responsible for services to such individuals.

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SECTION 3. This act takes effect on July 1, 2000, the public welfare requiring it; but, to permit the division of mental retardation services to develop quality assurance standards and monitoring protocols for independent practitioners, this act takes effect on January 2, 2001 with respect to independent practitioners who contract with the division of mental retardation services.